

**Minutes of the Regular Meeting Of The
New Jersey Maritime Pilot and Docking Commission
May 17, 2016**

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, May 17, 2016 at One Penn Plaza East, Board Room, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:10 AM.

Open Public Meeting Statement

Pledge of Allegiance

Roll Call

Commissioner Timothy J. Dacey (present); Commissioner Brian McEwing (present); Commissioner Jacob Shisha (present); Commissioner Charles Wowkanech (present).

Zachary Klein, DAG from the Division of Law participated on behalf of David Kahler, Esq.

Approval of the March 22, 2016 Meeting Minutes

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to approve the minutes of the March 22, 2016 meeting minutes. All voted in favor.

Approval of the April 19, 2016 Meeting Minutes

A motion was made by Commissioner McEwing and seconded by Commissioner Wowkanech to approve the minutes of the April 19, 2016 meeting minutes. All voted in favor.

Resolution #16-13 to approve the April 2016 Treasurers Report

A motion was made by Commissioner Wowkanech and seconded by Commissioner McEwing to pass Resolution #16-13 to approve the April 2016 Treasurers Report. All voted in favor.

Resolution #16-15 to approve the May 2016 Treasurers Report

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to pass amended Resolution #16-15 to approve the May 2016 Treasurers Report. All voted in favor.

Executive Director's Report

Ms. Stuckey welcomed the COTP Michael Day and Commander Ellis Moose to the Commission Meeting.

She also announced that Captain Harold Cavagnaro, III has been added to the agenda and will be sworn in as a Full Branch Maritime Pilot later in the meeting.

- A. Hudson River Update - Since the Commission's last meeting, there has only been one transport job on the Hudson River by Captain Nils Tribus.
- B. FY16 Audit - Ms. Stuckey reported that she will be sending out a RFP for a new accounting firm to perform the Commission's annual audit. Per the rules from the Division of Property and Purchasing, the Commission is only allowed to contract with a vendor for two years.
- C. Pension Surcharge and Capital Expense Committee Meeting - The next Pension Surcharge and Capital Expense Committee meetings will be held on June 21, 2016 immediately following the Commission's regular meeting. Commissioner Shisha will attend.
- D. Harbor Ops Meeting - Commissioners were provided with a copy of the agenda. Ms. Stuckey will attend the meeting.
- E. Senator Sweeney Harbor Tour - Ms. Stuckey reported that Senator Sweeney's office contacted the Commission to do a Port Tour on May 26, 2016. The tour was to view the Bayonne Bridge, Goethals Bridge, Pulaski Skyway, and some of the dredging zones. Senator Sweeney and Senator Weinberg were both scheduled to attend. Ms. Stuckey coordinated with Captain Schoenlank to depart from Liberty State Park for a 1 ½ hour tour. Unfortunately due to weather concerns the tour was cancelled. Ms. Stuckey stated there are plans to reschedule for a later date.
- F. Regulatory Update - The re-adoption of the Commission's regulations are not ready to move forward. Ms. Stuckey is working on getting them to the Office of Administrative Law as soon as possible. She advised that as long as the Commission submits them before the expiration date of November 11, 2016, the Commission will receive an automatic 180 days extension.

- G. Docking Pilot Apprentice Selection - Ms. Stuckey announced that the current list is empty. Interport and Metro each have one apprentice and Harbor Pilots of NY/NJ has two apprentices. Ms. Stuckey has reached out to each of the presidents to advise that the list is depleted and asked them to analyze their future needs. Ms. Stuckey continues to be mindful that each Association has at least four pilots that can retire at any time. The presidents have been advised that if the need arises, they do not have to wait until next year to begin the process.
- H. Meeting with the Coast Guard - Ms. Stuckey and the New York Executive Director Frank Keane met with the new head of Investigations at the Coast Guard, Lt. Commander Eric Rivera. They discussed current policies and ways they can continue to work together cooperatively. Ms. Stuckey reported that the meeting went extremely well. The sharing of information has enabled investigations to be completed quickly. Following the meeting with the Coast Guard, Ms. Stuckey and Mr. Keane toured the new pilot station house and stopped to talk with some of the pilots. Moving forward, Ms. Stuckey and Mr. Keane plan to meet on a regular basis.
- I. Carteret Marina - The permit has been issued. The final permit is for 200 slips as opposed to the 400 originally requested. The slip leasees will have to undergo training at their own expense and the traffic light will also be installed.
- J. Raritan River Bridge Replacement Project - Ms. Stuckey reported that New Jersey Transit is looking to replace the Raritan River Bridge. They are in the beginning stages of the project. They are still considering what type of replacement bridge would be suitable and are planning to hold public meetings late spring/early summer. They will work with the Harbor Ops Committee to ensure that there is not a large impact on commercial traffic. Ms. Stuckey has spoken with the Lead Architect on the project and has invited him to a future Commission meeting to present the project to the Commission. Ms. Stuckey also plans to attend at least one of the public hearings.
- K. America's Cup Race - The race took place on Mother's Day weekend. Ms. Stuckey was unable to attend but heard the

race went on without a hitch. Captain Day agreed and stated that everything went smoothly and according to plans.

- L. Fleet Week - Fleet Week will begin on May 23rd. Currently, there are 18 vessel scheduled to attend, 3 of which are foreign flagged. This will be the largest parade in years. Captain Day stated the Navy and other VIPs will be in attendance. All logistics have been discussed so it should be a great event.
- M. Teach Fleet - Ms. Stuckey attended Teach Fleet at the Seamen's Church Institute. The ship models on display were made from Legos. It was a very impressive collection. The day she attended there were approximately 90 children from local schools in attendance, but there were not many volunteers to help chaperone. Ms. Stuckey has volunteered to help them coordinate next year's event.
- N. Maritime Association Annual Dinner - Ms. Stuckey attended the annual dinner on Wednesday, May 11th. The dinner was well attended. A copy of the Honorees page was provided to the Commissioners.
- O. Seamen's Church Annual Silver Bell Awards Dinner - A copy of the invitation from Seamen's Church for their annual silver bell awards Dinner was provided to the Commissioners. Anyone interested in attending should contact Ms. Stuckey. She does not plan to attend that event.
- P. USMMA Alumni Association & Foundation - The USMMA Alumni Association & Foundation is hosting a Maritime Industry Panel Discussion and Dinner Program on Thursday, June 16th. Panelist include: Captain Tom Morkan, Deputy Commander - Coast Guard Sector New York; Beth Rooney, Assistant Director, Port Commerce - Port Authority; John Bradley, Association Vice President - SUNY Maritime; and Brian Holden, President - United States Maritime Resources Center. Each panelist will give their thoughts on key issues and challenges facing the industry. The evening promises to be very educational. Commissioner Dacey is coordinating the event. Ms. Stuckey will attend and encouraged everyone to support. A copy of the invitation was provided to the Commissioners.

Q. Articles of Interest:

- "FMC Chairman backs USCG position on Container weight restriction" - American Shipper - regarding the new Coast Guard container weight regulations
- "ITF Stands Firm in Panama Canal Debate" - Maritime Executive - regarding the ITF's debate regarding the safety of the new lock in the Panama Canal.
- "When Will the New Panama Canal Affect East Coast Ports" - Maritime Executive - regarding when everyone can expect the new locks to affect the Ports.
- "Senate Passes Funding for Waterways and Ports" - Maritime Executive - the Senate passed funding for waterways and the bill includes 1.3 billion dollars for harbor maintenance work.
- "Coast Guard Warns of Dangerous Rise in Laser Strikes" - Maritime Executive - regarding the Coast Guard's warning of rise in laser strikes.
- "First U.S. to Cuba Cruise Ship in Decades Arrive" - Maritime Executive - announcing the arrival of the first US Cruise ship to Cuba.
- "China COSCO ship will be first to transit expanded Panama Canal" - American Shipper - naming the China COSCO ship to be the first vessel to transit the new locks.

Public Comment(s)

Comment from Captain Louis Bettinelli, President Interport Pilots Association:

Captain Bettinelli introduced Chris Bengley of Interport Pilots Association who handles their recurrent training program and is the current liaison working on the logistics with the Navy for Fleet Week.

Chris Bengley provided the Commission with a brief overview of Inteport's plans for Fleet Week.

Comment from Captain Richard Schoenlank, President Sandy Hook Pilots Association:

Captain Schoenlank advised that the water siphons will be demolished by the end of July.

Captain Schoenlenk also reported that the transatlantic race from Plymouth to New York began approximately two week ago. One

racer has already arrived in New York, on a journey that took approximately 8 days.

He also reported that the America Cup Race went on as anticipated. They were only a couple of cruise ships that were held up, but there were no major issues.

Captain Schoenlank also had the opportunity to see a few yachts come in at the Brooklyn Marina and it looks like a good size marina.

Comment from Captain Richard Schoenlank, President Sandy Hook Pilots Association and Captain Robert Flannery, Jr., President Metro Pilots Association:

Captain Schoenlank and Captain Flannery provided the Commission with feedback from their trip to California to obtain information on the ULCV ships.

Captain Flannery stated that riding the ships was better than the actual simulation. He feels it is very difficult to see around the vessel. The "E" Pilots are very helpful in working with the Lead pilot to tell them how much distance they have during turns and transits. He explained that pilots are definitely relying on the computers to help them maneuver the vessel.

Ms. Stuckey asked both Captains if the dual pilot system was something they plan on implementing.

Captain Schoenlank stated it is being considered and echoed Captain Flannery's statement that visibility is very poor.

Commissioner Shisha questioned how the pilots interact during transit.

Captain Flannery stated the "E" pilot calls out position, via a virtual dot in the center of the ship which informs the Lead Pilot on the distance that is available during turns and transit. The E pilot also shares insight on the speed and the rate of the turns. Both pilots are very beneficial to the process.

Commissioner Wowkanech asked where the E pilot is stationed in relations to the Lead Pilot.

Captain Flannery stated they are both right next to each other and their system works very well.

Ms. Stuckey asked if the Commission should consider sponsoring training for the Dockings pilots on the laptops to help prepare for the ULCVs.

Captain Schoenlank reported that is something that is being looked into and he will keep Ms. Stuckey updated on what they decide on.

Captain Schoenlank mentioned the plan for the simulation training will occur in two phases. The first phase pilots will participate in a week long simulation with ships that are 14,000 and 18,000 TEUs. This will allow everyone the opportunity to go over different parameters and situations to find out the best way to handle the vessel. It will also allow them time to decide on rules and restrictions needed to transit safely. The second phase will include simulation training for the remaining pilots.

Captain Flannery also advised that the Shipping Companies are a little confused on what the draft will be once the siphons are removed. They cannot dredge anymore, so the magic number for high water is 49.

Comment from Edward Kelly, Executive Director, The Maritime Association of NY/NJ:

Mr. Kelly reported that the International Hall of Fame Dinner went very well. They are looking for nominees for the next event. If anyone has any names, please let him know.

On April 16, 2016, the Maritime Association hosted a shared educational tour. New York Waterways donated a ferry and provided a networking and communication environment for both recreational and professional mariners. These tours will occur seasonally and they are currently scouting new areas to continue this dialogue and open working relationships.

Mr. Kelly also reported that there in an information class from Urban Economic for high school students interested in the maritime industry. The class includes a 2 hour tour with narration on key information.

Mr. Kelly attended the Mid-Atlantic Coastal Survey Meeting in Annapolis on the 12th and 13th. NOAA and members of academia are working together. The meeting was well represented; Captain Andy McGovern was also there.

On June 2nd, there is a Tug & Barge Educational Tour. They will be taking people out on tug boat rides. It is a good opportunity to see them up close.

Meet and Greet with Captain Michael Day, COTP, Coast Guard,
Sector New York

Ms. Stuckey introduced Captain Michael Day to the Commission. She stated that since her time in the industry. Captain Day is the only Captain of the Port that approaches his job with a personal touch. When you call his office he responds right away. It is very refreshing and she enjoys working with him and his administration.

Captain Day thanked everyone for their kind welcome. He also apologized for the delay of his attendance at the Commission meeting. It is his second time working in this port. He believes it's the most dynamic port, which is why he cherishes his working relationships that he has with everyone involved.

One example of the benefit of having a good working relationship was the Coast Guards ability to work with the Commission to ban the Grey Shark from entering out Ports. It's that proactive safety culture that will continue to help the port thrive.

Captain Day alerted the Commission that Sector New York will undergo a very large transfer, therefore he is hosting a meet and greet of new and existing staff members on September 9th. He encourages all that can attend to come.

Captain Day also advised everyone that if at any time there is an issue to just pick up the phone and let him know.

Ms. Stuckey also thanked Lt. Commander Moose for his work in helping with the Bayonne Bridge issue.

Resolution #16-14 to approve the 2015 Annual Report

A motion was made by Commissioner McEwing and seconded by Commissioner Wowkanech to pass the amended Resolution #16-14 to approve the 2015 Annual Report. All voted in favor.

Resolution #16-17 to approve the FY17 Annual Budget

A motion was made by Commissioner Wowkanech and seconded by Commissioner McEwing to pass Resolution #16-17 to approve the FY17 Annual Budget. All voted in favor.

Discussion re: Docking Pilot Test

Ms. Stuckey provided a copy of the Docking Pilot Test Modules to the Commissioners last week for their review. She thanked everyone on the committee that helped the project move along. She believes the test is very applicable and mirrors what the docking pilots actually do. The format of the test includes questions, three essays, and chart work that will have missing information that they will need to fill-in.

Ms. Stuckey advised that if the Commissioners have any questions about content, it must be discussed during Executive Session to protect the integrity of the test.

Captain Bates requested to attend the first testing to see how the process goes.

Ms. Stuckey mentioned that at a later date the Commission will need to discuss the cost of keeping Captain Bates on retainer for test updates and changes.

Captain Flannery added that all changes made to the test were for the better.

Ms. Stuckey stated that Apprentice Randall Murphy will be approaching the mark, but she is waiting on Metro to let her know when he is ready to sit for testing. Ms. Stuckey will administer the test as she does for the Maritime Pilot test.

Committee Report

- A. Maritime Pilot Apprentice Selection Committee: Ms. Stuckey attended the first Committee Meeting on April 25, 2016. The Committee reviewed 87 application to eliminate those that were not qualified or had issues. Of the 87, 70 were referred to Susan Tubursky for testing. Once the testing is done, the Committee will review the results and try to narrow down the list further. They are hoping to get it down to 50. The interviews will take place in September for a two week stretch. The exact dates have not been set.
- B. Investigation Committee:
 - I. **Bomar Resilient** - December 15, 2015. Ms. Stuckey recommended that the Commission find no fault on the part of the pilot, the file closed, and a copy of the

report sent to the Coast Guard, the vessel owner, and the agent.

A motion was made by Commissioner Wowkanech and seconded by Commissioner Shisha to accept the recommendations. All voted in favor.

Aghia Skepi - March 11, 2016. Previously presented at the April regular meeting. A motion was made by Commissioner Wowkanech and seconded by Commissioner McEwing to accept the recommendations. All voted in favor.

- II. **USUGC Tampa** - April 5, 2016. This incident is still under investigation.
- III. **CSCL Africa** - April 5, 2016. Ms. Stuckey recommended that the Commission find no fault on the part of the pilot, the file closed, and a copy of the report sent to the Coast Guard, the vessel owner, and the agent. A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to accept the recommendations. All voted in favor.
- IV. **M/S Columbine Maersk** - April 5, 2016. Captain Mark Clark provided the Commissioners with a summary of the case. Ms. Stuckey recommended that the Commission find no fault on the part of the pilot, the file closed, and a copy of the report sent to the Coast Guard, the vessel owner, and the agent. A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to accept the recommendations. All voted in favor.
- V. **CMA CGM Rabelais** - April 10, 2016. Captain Mark Clark provided the Commissioners with a summary of the case. Ms. Stuckey recommended that the Commission find no fault on the part of the pilot, the file closed, and a copy of the report sent to the Coast Guard, the vessel owner, and the agent. A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to accept the recommendations. All voted in favor.
- VI. **Stad Amsterdam** - April 9, 2016. Discussed in Executive Session.
- VII. **Xin Ya Zhou** - May 4, 2016. This incident is still under investigation
- VIII. **Chem Norma** - May 10, 2016. This incident is still under investigation.

Executive Session

WHEREAS, the Open Public Meetings Act provides that a public body such as The New Jersey Maritime Pilot and Docking Pilot Commission may meet in closed session to discuss legal and personnel matters, and

WHEREAS, the Commission desires to meet in closed session to discuss such matters.

NOW THEREFORE, be it resolved that the Commission shall at this time meet in closed session to discuss such matters the substance of the closed session would be disclosed publicly only if it would not warrant an invasion of privacy or constitute a breach of the attorney client privilege.

A motion was made by Commissioner Shisha and seconded by Commissioner Dacey that the Commission goes into Executive Session.

All voted in favor.

The Commission went into Executive Session at 11:06 AM.

Return to Public Session

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha that the Commission return to Public Session.

All voted in favor.

The Commission returned to Public Session at 12:14 PM.

Stad Amsterdam

A motion was made by Commissioner Wowkanech and seconded by Commissioner Shisha to accept the recommendations. All voted in favor.

Resolution #16-16 to Approve the Request to Upgrade Captain Leonard M. Evans to a Pilot of the Fourth Grade

A motion was made by Commissioner Wowkanech and seconded by Commissioner Shisha to pass Resolution #16-16 to approve the upgrade of Captain Leonard M. Evans to a Pilot of the Fourth Grade. All voted in favor.

Resolution #16-18 to Approve the Request to Upgrade Captain Harold F. Cavagnaro, III to a Pilot of the First Grade

A motion was made by Commissioner Wowkanech and seconded by Commissioner Shisha to pass the Resolution #16-18 to approve the

upgrade of Captain Harold F. Cavagnaro to a pilot of the First Grade. All voted in favor.

Swearing in of Captain Harold Cavagnaro, III as a Full Branch
Maritime Pilot

Captain Harold Cavagnaro, III was sworn in as a New Jersey State Full Branch Maritime Pilot by Commissioner McEwing.

Adjournment

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing that the meeting be adjourned. All voted in favor.

The meeting was adjourned at 12:20 PM.